

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

**Docket No.**  
**13038**

In Re Application Of: **Ian S. Zagon, et al.**

**Serial No.**  
**09/431,843**

**Filing Date**  
**November 2, 1999**

**Examiner**  
**R. Landsman**

**Group Art Unit**  
**1647**

**Invention: NOVEL NUCLEIC ACID MOLECULES ENCODING OPIOID GROWTH FACTOR RECEPTORS**

**RECEIVED**

**MAR 08 2004**

**OFFICE OF PETITIONS**

**Attention: Office of Petitions**  
**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: **Request for Continued Examination & Amendment under 37 C.F.R. 1.137(c) and 1.114**

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on **November 2, 1999**

4. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Invention: **NOVEL NUCLEIC ACID MOLECULES ENCODING OPIOID GROWTH FACTOR RECEPTORS**

**Calculation and Payment of Fees**

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$665.00
8. ☐ Fee for amendment in the amount of: \_\_\_\_\_
9. ☐ Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_
10. ☐ Issue fee in the amount of: \_\_\_\_\_
11. ☒ Continuing application filing fee in the amount of: (see accompanying papers (RCE) ) \_\_\_\_\_
12. ☐ Terminal disclaimer fee in the amount of: \_\_\_\_\_
13. ☐ \_\_\_\_\_

Total fees enclosed: \$665.00

The fee of **\$665** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1013/SSMP**

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Invention: NOVEL NUCLEIC ACID MOLECULES ENCODING OPIOID GROWTH FACTOR RECEPTORS

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

SEE STATEMENT UNDER 37 C.F.R. 1.137 (b) ATTACHED

  
Signature

Dated: March 1, 2004

Frank S. DiGiglio  
Registration No. 31,346  
SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530

(516) 742-4343

cc: FSD/ZY:ab

I certify that this document and fee is being deposited on March 1, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature

Frank S. DiGiglio

Typed or Printed Name



RECEIVED

MAR 08 2004

119

**OFFICE OF PETITIONS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Ian S. Zagon, et al.

**Examiner:** R. Landsman

**Serial No.:** 09/431,843

**Art Unit:** 1647

**Filed:** November 2, 1999

**Docket:** 13038

**For:** NOVEL NUCLEIC ACID MOLECULES  
ENCODING OPIOID GROWTH FACTOR  
RECEPTORS

**Dated:** March 1, 2004

**Confirmation No.:** 9285

Commissioner for Patents  
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)**

Dear Sir:

This petition is responsive to the Notice of Abandonment mailed March 20, 2002 in the above-captioned application. Applicants, through the undersigned, respectfully petition the Commissioner of Patents and Trademarks to revive the subject application under the provisions of 37 C.F.R. § 1.137.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on March 1, 2004.

Dated: March 1, 2004

  
Frank S. DiGiglio

A Final Action was mailed on July 16, 2001 to the Intellectual Property Office, The Pennsylvania State University. No response to the Final Action was filed within the shortened statutory period, i.e., by October 16, 2001.

Pursuant to 37 C.F.R. § 1.137(b), Applicants provide herewith a Statement by Ian S. Zagon, Patricia J. McLaughlin and Michael F. Verderame, stating that the entire delay in filing the response was unintentional and a Request for Continued Examination in response to the outstanding Final Action under 37 C.F.R. §§ 1.137(c) and 1.114. The fee for this petition, pursuant to 37 C.F.R. § 1.17(m), is also enclosed.

Because the instant utility application was filed after June 8, 1995, no terminal disclaimer is required.

In addition, Applicants provide herewith a Revocation of Powers and Delegation of New Powers.

In light of the foregoing, Applicants respectfully request that this petition be approved.

Respectfully submitted,



Frank S. DiGiglio  
Registration No. 31,346

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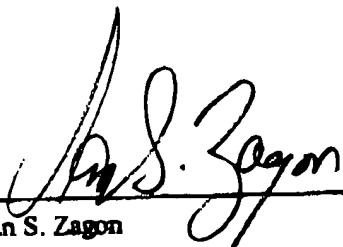
Encls: Statement under 37 C.F.R. § 1.137(b)  
Amendment under 37 C.F.R. §§ 1.137(c) and 1.114  
Fee for this petition pursuant to 37 C.F.R. § 1.17(m)  
Revocation of Powers and Delegation of New Powers

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicants:** Ian S. Zagon, et al.**Examiner:** R. S. Landsman**Serial No.:** 09/431,843**Art Unit:** 1647**Filed:** November 2, 1999**Docket:** 13038**For:** NOVEL NUCLEIC ACID MOLECULES  
ENCODING OPIOID GROWTH FACTOR  
RECEPTORS**Confirmation No.:** 9285Commissioner for Patents  
Alexandria, VA 22313-1450**STATEMENT UNDER 37 C.F.R. § 1.137(b)**

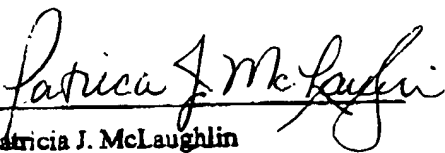
Dear Sir:

We, Ian S. Zagon, Patricia J. McLaughlin, and Michael F. Verderame, hereby state the following:

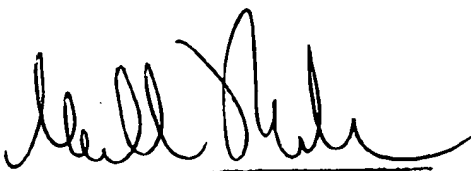
1. We are the inventors of the subject matter described and claimed in the above-identified application.
2. A Final Action was mailed on July 16, 2001 to the Intellectual Property Office, Pennsylvania State University. No response to the Final Action was filed within the shortened statutory period, i.e., by October 16, 2001.
3. The entire delay in filing the response to the Final Action, from the due date for the reply until the filing date of the Petition to Revive the abandoned application, was unintentional.

  
Ian S. Zagon

Feb. 26, 2004  
Date

  
Patricia J. McLaughlin

Feb 26, 2004  
Date

  
Michael F. Verderame

2/27/04  
Date

|| ||